



Members Present:

Dave Browning, Mayor
Marge Herzog, Vice-Mayor
Dave Autrey, Council Member
Dennis C. Lipp, Council Member
Dr. J. William Louda, Council Member

Members Absent:

None

Others Attending:

Dr. Irv Rosenbaum, Interim Town Manager (NCS)
Matthew Lippman, Interim Town Clerk (NCS)
Michelle Kantor, Interim Assistant Town Clerk (NCS)
David Tolces, Esq., Town Attorney
Members of the Public

1. – 4. Call to Order/Roll Call/Pledge of Allegiance/Invocation

Mayor Browning called the meeting to order at 7:00 p.m. He then requested the roll call by Town Clerk Lippman. Upon completion of the roll, the Mayor requested everyone stand for the Pledge of Allegiance and Invocation.

5. Approval of Agenda

Town Attorney Tolces added Item 5(a) to the Agenda to swear in Councilman Lipp for his newly elected term.

Town Attorney Tolces removed Item 10(b) the resolution from the Agenda.

Vice-Mayor Herzog MOTIONED to approve the amended Agenda, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

5(a) Swearing in of Councilman Dennis Lipp by Town Clerk Matthew Lippman

CONSENT AGENDA:

6. Town Reports: PBC PLZ&B

Vice-Mayor Herzog MOTIONED to approve the Consent Agenda with changes to the minutes previously sent in, SECONDED by Councilman Lipp and the MOTION passed unanimously 5-0.

REGULAR AGENDA:

7. Strategic Visioning Update

Town Clerk Lippman instructed the Council to look in their Agenda packets to see the Visioning Calendar he included. He reminded everyone publically and on the website that on the upcoming Saturday, March 22, 2008 there would be a kick-off meeting at the Loxahatchee Groves Elementary School Cafeteria from 10:30am-2:30pm. He said Riverside Bank would be serving lunch.

Town Clerk Lippman explained the following Visioning sessions to be held on the following Saturdays in April, the 5th, 12th, and 26th. He said these also will be at the Loxahatchee Groves Elementary School Cafeteria and the public is also invited to all of these. He explained the 1st two Focus Groups would be by invitation only and that the Public could actively participate from 1:30pm-3:30pm but could attend the other 2 morning sessions to see what is going on and what topics are being discussed. He mentioned that Councilman Lipp had requested holding a separate meeting on the topic of SR80 and that Dr. Marlowe was working to set that up. He said the dates for the Council Retreat would change since the Mayor can't attend the current one. He also mentioned that Calvin Giordano would be actively participating in the Visioning Sessions in preparation for the Comprehensive Plan.

Councilman Lipp asked if Council members could attend these meetings.

Town Clerk Lippman responded that the expectation is that they do attend and participate in everything.

Councilman Lipp inquired about the Retreat and how it matched up to the Sunshine Law.

Town Clerk Lippman responded that the Retreat would also be open to the Public.

Town Attorney Tolces mentioned that all the meetings would be publically advertised.

Town Clerk Lippman explained that the Retreat is intended for the Council members and Town Staff but the Public would be welcome to attend.

Councilman Louda said that what would set the Community to him would be the overall zoning. He asked when that discussion would take place.

Town Attorney Tolces responded that it would be more in the Comprehensive Planning Process stage than in the Visioning. He said it was his understanding that the Town was looking for a Broad Vision first.

Town Clerk Lippman said the specifics of certain Ordinances will not be addressed here. He said as far as developing our own Land Use Codes that will come after the development of our Comprehensive Plan.

Councilman Autrey asked Staff to mention the time of the lunch for the upcoming Saturday.

Town Clerk Lippman said the lunch would be served at 2pm.

Mayor Browning asked if there were any comments from the Public.

There were none.

8. Banking Discussion (*Riverside Bank*)

Town Clerk Lippman introduced Lisa Keller from the Wellington Branch of Riverside Bank. He said there were two reasons why they were here this evening. He said the Town Council had entered into a relationship with Riverside and they had said they would have an evaluation prepared after the first 6 months and also to discuss for investment opportunities.

Ms. Keller reviewed a tabbed binder she handed out to the Council. She explained the original proposal and pointed out that it stated that the service charge fees would be free for the first year. She explained the rates today and said that they are currently running from 2.96%-3.203% and are available in 3, 6, and 12 month terms.

Town Clerk Lippman inquired what the interest rate would be with a sweeping account.

Councilman Autrey said his thought was to have Staff come up with a management plan and look at equity and cash flow and see what we need on a daily basis to manage the Town.

Ms. Keller mentioned that the rates are rapidly changing and she could send daily email updates with the current rates.

Town Clerk Lippman said from a service stand point the branch in Wellington has been excellent and we haven't had any problems with them at all. He said he and Town Manager Dr. Rosenbaum would come up with several investment options and bring them back to the Council to choose from. He said based on the volatility of the market they may have to revisit it monthly.

Councilman Lipp asked about the free service fees for the 1st year and asked if this is something they could offer again.

Ms. Keller said in her opinion the fees would continue to be free for life but she would have to get back to them on that.

9. Palms West Chamber of Commerce Review of Building Drawings

Town Clerk Lippman said the Council had received a preliminary drawing for the project.

Vice-Mayor Herzog asked where they are in the permitting phase.

John Southard, VP Facilities Palms West Chamber of Commerce- responded that the drawings are in the permitting phase.

Vice-Mayor Herzog asked if they permit through the County or through Parks and Recreation.

Mr. Southard responded that they have to permit through the County but have the approval of Parks and Recreation.

Councilman Autrey asked about jurisdiction stating that they are in a County park within the Town's boundaries. He asked if they planned on renting out their meeting facility to groups.

Mr. Southard explained that it would be a meeting room and an enclosed facility.

Town Attorney Tolces said if they needed to get approval for an event they would be subject to the same process as anyone else in the County holding a Special Event that would need a Special Permit.

Mr. Southard explained that the property would be nothing different than it is now except they are trying to provide a little more comfort with the new facility and allow the Public to use the facility.

Councilman Lipp inquired about the height of the top of the facility.

Vice-Mayor Herzog asked about the distance of the setback from Southern.

Mr. Southard explained the new facility would sit just north or in back of the existing facility which was put there 15 years ago to have access to Southern. He said they would keep the old building operational and put the newer building behind it.

Councilman Lipp asked about the setback from Tangerine.

Mr. Southard replied that everything is in compliance.

Vice-Mayor Herzog asked where the parking lot would go and if they are providing more parking spaces.

Mr. Southard said that they had to incorporate 6-7 new handicap spaces to become compliant with the ADA accessibility. He said that as part of the building code that a certain amount of spots is required based on occupancy.

Councilman Louda asked if it would be paved or pervious.

Mr. Southard responded it would be all paved.

Councilman Lipp said the issue we are concerned about is storm water run-off. He said hopefully they can go with pavers so they could be pervious to rainfall.

Councilman Louda said when it comes to landscaping his suggestion would be to go with no palms except for Royal Palms.

Mr. Southard said that he agreed and they are looking to stay all natural since it is a park environment.

Town Clerk reminded the Council that this was a courteous meeting set up by the Chamber to discuss the drawings and that they will still be required to come back to discuss the site plan and for final approval.

Mr. Southard said he appreciated all of the comments.

10. Misc:

a. Resolution 2008-008: Local Mitigation Strategy

A RESOLUTION ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN OF LOXAHATCHEE GROVES TO ADOPT THE REVISED UNIFIED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Town Attorney Tolces conducted the reading of Resolution 2008-008.

Town Attorney Tolces said that at the last meeting Staff received a copy of the Resolution provided by PBC Office of Emergency Management with respect to the Town adopting the Unified PBC Local Mitigation Strategy. Following the meeting I had the opportunity to speak with Sheridan Truesdale and he explained to me and provided me with some information as to what the Local Mitigation Strategy Plan is. It was adopted in 2004 and the purpose is to have all municipalities in PBC work together to adopt such a plan and pursuant to the plan, the communities can work together in applying for grants both before and after a disaster. He said the original plan could be accessed on the PBC website and is over 600 pages.

Town Attorney Tolces said that Mr. Truesdale is available if the Council wanted him to come out and speak on this.

Vice-Mayor Herzog asked what participation the LGWCD had with FEMA.

Clete Saunier, LGWCD-said that LGWCD is not on the Unified Land Development Plan but is on the statewide plan. He said they had qualified for FEMA post disaster and most of the canal banks were all paid for by the Local Government. He said if you look through the LMS there is a list of projects based on the repetitive claim factor. He said places that flood all the time usual get top priority.

Vice-Mayor Herzog said she just didn't want to have duplication of the same thing.

Town Attorney Tolces said LGWCD is not eligible to take part in this.

Councilman Louda said if this is a no brainer and there is no cost, would there be a cost later to the County.

Councilman Autrey said he had the same concern.

Town Attorney Tolces said the Item could be continued at the next meeting.

Mayor Browning said we have been here since 1916 and there has not been much recurring disaster so it will come down to see how much this will cost us.

Councilman Louda MOTIONED to table Resolution 2008-008 until the next meeting, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

Councilman Autrey requested that Mr. Truesdale come and present to the Council at the next meeting.

Town Attorney Tolces thanked Frank Schiola for bringing this Item to Staff's attention.

Mayor Browning also thanked Mr. Schiola.

b. Resolution (Planet Kids XII)

THIS ITEM WAS REMOVED FROM THE AGENDA AT THE BEGINNING OF THE MEETING.

11. Simon Property Update

Town Clerk Lippman said in the Agenda Packets there was a memo included from Town Attorney Tolces discussing where the Simon Property is at now. He said Staff received some documentation and had discussion with Kevin McGinnley who is meeting with the Planner who is assigned specifically to this Simon Property Project. He explained there is a certain time frame of 30 to submit our feedback to the County.

Town Clerk Lippman reminded the Council this is still going to be subject to final site plan approval.

Mayor Browning asked for a volunteer.

Councilman Autrey said he would attend the meeting on the equestrian facility on Thursday with Kevin McGinnley and the Planner for the Simon Property.

Town Attorney Tolces said that he had received communication from Richard Shine-Department of Community Affairs and would be communicating with DCA in respect to that issue by explaining to them under the Town's Charter the Simon Property may precede under the County until the Town's Comprehensive Plan is complete.

Councilman Louda asked if the present proposal is 39 units only with no commercial. He also asked if it addressed onsite –offsite.

Town Attorney Tolces said if the parties do enter into an agreement is to provide for specific zoning guidelines that would control the development on that property. He said Staff will continue to work with them until time expires March 29, 2008. He said if we are making progress, he will impress that upon the County and DCA and ask for an extra period of abatement.

Town Clerk Lippman said if there are concerns relating to the equestrian facility to email him so he can give them to Kevin McGinnley and discuss them at the meeting Thursday.

12. Emergency Debris Removal Services and Contract Monitoring Discussion

a. R.F.P. / R.F.Q. Requirements

b. FEMA/Road Jurisdiction

Town Attorney Tolces commented that this is important because we are coming up on another Hurricane Season and the Town would need some type of Emergency Debris Removal Service for the Town. He said currently we have an agreement with SWA that they would provide any debris off the public right of way so that vehicles and emergency vehicles could get by in a disaster situation. He said in order to get FEMA reimbursement the Town would have to have a Contract with an Emergency Debris Removal Service and that FEMA does not favor piggybacking another contract. He said Staff is looking for authorization to issue an RFP for a company to provide the Emergency Debris Removal Services and with that another company to monitor and review the company doing the Emergency Debris Removal to make sure that FEMA reimbursement is available for what they are doing. He said in his experience it is a good thing to have someone who knows all the guidelines and can make sure all the proper documentation is being organized. He said together those 2 companies would come up with the Emergency Debris Removal Plan. He said the ultimate question is to what extent the Town would have to keep the roads free and clear in the event of a disaster. He said that LGWCD is fully prepared to do that and has done so in the past and has gotten reimbursed. He said the Council would have to decide if they wanted to continue to have LGWCD do that or do they want to hire their own contractor.

Councilman Louda said he would like to hear Clete Saunier speak on this.

Clete Saunier, LGWCD- said the District in the past, especially with Jean and Frances has provided all these services internally. He said they do have 3 vendors they do go to if it gets to be overwhelming. He said as for picking up the debris and hauling it away that has been the County. He said he would assume since the County wouldn't have jurisdiction anymore the Town would have to provide that service. He said his Staff is trained in the Public Assistance Program and have gone to all the classes and done all the paperwork. He told the Council it was their call but LGWCD is already in place with their equipment and already have outside vendors lined up. He suggested bringing this up at the next LGWCD Board Meeting on Monday, April 14, 2008.

Councilman Louda asked if the primary concern of LGWCD would be getting rid of the debris.

Mr. Saunier said in the past what they have done is they put everything on the side and County would come and haul it off. He mentioned tickets they have that are premade in case of a total disaster where everything was blown away. He said this is where a Contract Manager would come into place to make sure everything was organized. He mentioned he also has Staff trained in that.

Councilman Lipp said after Hurricane Andrew there were carts of destroyed homes being brought out of Dade County. He asked if this was relating to destroyed homes.

Mr. Saunier said no that this was not referring to private property. He said the District would not have the authority to do that.

Town Attorney Tolces said that FEMA won't reimburse for disposal of private property unless you can say it is a health risk or a public safety issue with removing such a large amount of debris.

Mr. Saunier said that the exception would be if all the debris was thrown in the Public right of way then the government would have to handle that.

Councilman Louda asked what the time line is for a decision to be made before going out for an RFP.

Town Attorney Tolces said 30 days. He said with respect to the fact that the LGWCD pushes the debris to the side of the road that is where your contractor would come in and remove it.

Mayor Browning said maybe LGWCD would be the ones to monitor that company taking the debris off to the drop off point.

Councilman Autrey said his thought was to do what is the best interest of the tax payer. He said there are professional companies that do that and he suggests getting an outside firm to look at the construct of Loxahatchee Groves and recognizes we have to 2 political entities and see what they recommend to do.

Town Clerk Lippman said the logical process if we put out an RFP is to evaluate and compare that with LGWCD providing the same service. He said this is something we need to discuss with LGWCD as a team. He said he had met with a firm to get a briefing on how the process works.

Mayor Browning said we need to make sure there is no duplication because the LGWCD has done a great job in the past and they will do a better job than any company because they know the roads.

Vice-Mayor Herzog said a lot of the residents are so self sufficient and it gets cleaned up.

Councilman Autrey said his concern is with separate entities and not knowing who is responsible for what.

Town Clerk Lippman said the unique situation we are in is that LGWCD has always taken care of this and will continue to do so but we need to see now that we are a municipality and how FEMA would consider everything.

Mayor Browning asked the potential of LGWCD being reimbursed by the Town.

Town Clerk Lippman said he would recommend we go ahead and put the RFP out and work with LGWCD and Clete to come up with a unified solution we are all comfortable with.

Vice-Mayor Herzog said with the gas tax money being based on lane miles for all the roads, even the private ones, than LGWCD will have an obligation to service all the roads in the Town.

Councilman Lipp suggested using the terms-district and non district roads –vs- private roads.

Town Attorney Tolces made one last point and said the contract with the County will be done with at the end of September and the contract the Town is entering into with Waste Pro won't provide for this service of removing the debris like the service you have gotten from the County.

Frank Schiola, Marcella Boulevard- said you have a resident in the Town who is willing to work with the Town and has developed 2 Emergency Management Plans previously. He mentioned that with the last hurricane we had 17 subcontractors here alone and he went out to make sure they weren't clearing private property and only cleared what was on the streets.

Town Clerk Lippman said that he will come back with the systems needed to put out an RFQ for Contract Monitoring. He said he would provide a copy to Clete to make sure we are on the same page here. He said the RFQ will be discussed after based on their feedback.

13. Canal Cleaning Discussion

Town Clerk Lippman said there have been a lot of calls in to the Office asking about a Canal Cleaning. He said Staff is looking for feedback from the Council and LGWCD.

Vice-Mayor Herzog said there is a lot of unsightly bottle debris floating through the canals. She said she has not seen a great amount of large debris floating. She said perhaps with the day laborers not being on the alphabet streets anymore once it is cleaned up it won't happen again.

Councilman Autrey said they are pretty polluted and there is a cost to the image of the Town and property values and he would like to see it cleaned up.

Councilman Louda asked if this should be something for LGLA to do. He asked what happened to the cleanings that had been taking place.

Mayor Browning responded that it got nixed due to potential liability because they thought someone might get hurt and could sue the District. He said his thought was to get volunteers to help remove the little stuff floating on top and then coordinate efforts with LGWCD to remove the heavier stuff.

Town Attorney Tolces said his only concern would be what coverage is there from our insurance and that he would call the Town's insurance carrier to see what type of coverage we have in the case someone does get hurt.

Vice-Mayor Herzog said it could be an LGLA event and they had a current umbrella policy.

Councilman Lipp inquired how detrimental it is to have dead carcasses floating in the water and whose responsibility it is to remove them. He commented on North road there had been a dead pig and a goat in the canal.

Clete Saunier, LGWCD- advised to call the LGWCD and they would take them out and bury them. He said as far as the litter that their attorney, Mary had advised them that if LGLA wanted

to do a voluntary event NOT sponsored by the District then that would be okay. He said it can be dangerous and you have to be very careful.

Vice-Mayor Herzog said they used long handled skimmers and went along the canal banks, but it would be better to use flat bottom boats to handle the litter caught in the growth along the canals.

Mr. Saunier said that he knows we have limited right of way width but if there is a way we can get the Town to help us and make sure residents secure their trash because large logs and recycle bins have gotten caught in our gates before and when they get caught we can lose thousands of gallons of water which does not help the current drought situation.

Councilman Louda asked if putting a gate at Folsom Canal had ever been discussed.

Mr. Saunier said he had a call into Ramon Santiago at NRCS and was going to discuss that with him.

Councilman Autrey said he called Indian Trails and their Staff keeps up with the canals. He asked if the canals were to get cleaned what maintenance time would be required of the LGWCD.

Mr. Saunier said he didn't know and would have to call Indian Trails and see what funds and Staff they had.

Councilman Autrey said he was wondering about weirs. He said maybe we could take advantage of some funding out there.

Mr. Saunier said NRCS does provide a variety of funding. He said you have to remember grant funding is great but you have to match a % of your operating budget too. He said we have a limited tax base so you have to be able you can provide that funding.

Mayor Browning said it needs to be done and will be a big project.

Councilman Lipp asked Town Clerk Lippman to communicate with Reverend Calvin Lyerla and have an educational thing with the migrant workers at Buena Fe.

John Ryan, 3508 A Road and Board Member of LGWCD- said he doesn't know if everyone is aware of it but LGWCD did get SFWMD to approve our water variance request for our fire fighting purposes. He said he wanted to recognize the great job done by Clete Saunier on this and thanked the Town and Mayor and Council for their support.

Mayor Browning thanked Mr. Saunier.

14. Administrative:

a. LGWCD Variance Request Update

Town Clerk Lippman said this had already been discussed.

b. ONYX Assessment 2nd Notice of non-payment

Town Clerk Lippman explained that he had provided the Council with a copy of the letter Town Staff sent to the residents who had not yet paid the assessment. He mentioned that \$253,424 had been collected out of the \$400,000 plus owed to SWA. He said with the 2nd mailing we had 44 people pay immediately out of the 460 bills sent out. He did say that we are some problems with the postal service and that 30 of the 2nd notices had been returned to the office as undeliverable. He said the letter that was sent was a courteous one. He said that there have also been several misunderstandings with certain escrow companies on if the bills were paid or not. He mentioned that next year this will go back on the Property Tax Bills for the Residents.

Town Clerk Lippman said that Assistant Town Clerk Kantor had done a great job with the billing and has worked with several of the residents to get credits back for them due to assessment mistakes. He said she has put in 100 hours plus on this.

Vice-Mayor Herzog asked if we had a more accurate mailing list.

Town Clerk Lippman said between Michelle and Councilman Autrey they know all the postal workers and the postal workers know where the people live. He mentioned that Ken Johnson's mapping project will help the Town.

c. Street-side Solicitation Ordinance Enforcement Feedback

Town Clerk Lippman said he made it a point to go up and down Okeechobee several times a day the first few days of the passing of the Ordinance and the opening of Buena Fe. He said each time he saw 4-5 PBSO out and they were doing a great job educating and informing the workers. He said it helped that the officers were Spanish speaking. He said the Town only wound up paying for one week of Deputies. He mentioned that he had conversations with Reverend Calvin Lyerla about the challenges the Center faces and that the employers need to know that Buena Fe is a place to go to get workers. He said the article in the Palm Beach Post today and several callers to the office have said that the workers have migrated to Indian Trails Roads. He said Mr. Lyerla will try and reach out to Indian Trails.

Town Attorney Tolces said from a legal standpoint there was a law passed

Mayor Browning said we are not spending any money on that.

Town Attorney Tolces said Staff will watch it.

Vice-Mayor Herzog said she spent some time at the center during the week and one of the issues that Mr. Lyerla was concerned with was the nursery owners are afraid to come into the facility and register their businesses. She said Mr. Lyerla pointed out some additional services he is providing for the workers, such as, having Washington Mutual come in and explain to them about banking services as long as they have proper ID. She said there are other social things they are working on with them as well.

Councilman Autrey said the Congressional Budget Office released a report that talks about the impact of unauthorized immigrants on local governments and it said the State and Local Governments bear the brunt in three areas: education, healthcare, and law enforcement. He said the Federal Government hasn't done anything about it and it is clear they are making money off of it. He said he thought that was interesting. He said the legislation filed in Tallahassee is unfortunate because it doesn't recognize the burden we feel here locally.

Councilman Louda asked if there had been any protests.

Town Clerk Lippman responded, not as of this point.

d. Land Use Plan Amendment Update

Town Clerk Lippman mentioned that **Patrick Figurella-Calvin Giordano** was here to speak on this. He said before Mr. Figurella speaks he wanted to clarify that at the last meeting he had misrepresented the tone of the letter received from DOT. He said it was not a rejection or denial; it was simply a comment that they are concerned and want us to address this in the Comprehensive Plan. He said this is one of many entities that submit their comments to DCA.

Mr. Figurella said that is correct. He said he had been notified about the commentary nature about the letter and the Treasure Coast Regional Planning Council thinks it is okay. He said either himself or Shelly Eichner would be attending the meeting on Friday to represent the Town.

Town Clerk Lippman said April 1 would be the target date in getting the report from DCA.

e. Financial Reporting

Town Clerk Lippman started by saying that the auditors are almost finished working with NCS on the audit and it was a simple one. He said he provided the Council with a very detailed financial report. He said both the Town and Riverside Bank had been proactive with the changing interest rates. He mentioned that NCS would be changing software to use special governmental software used for financial reporting so the budget format will be a little different. This will lead in to discussions about our next fiscal year.

Mayor Browning asked when the budget is due.

Town Attorney Tolces said the Town will adopt the preliminary millage rate at the end of June, beginning of July and adopt the SWA assessment and the budget hearings would follow in September and then the tax bills would go out in November.

Town Clerk Lippman said Staff would be proactive and start now to make the process that much easier.

Mayor Browning commented he received a letter from Lisa Amara regarding Callery Judge and they list 2 upcoming meetings. One is March 28, 2008 and the other is April 28, 2008.

Town Clerk Lippman said Kevin McGinnley would be representing the Town at the meetings and then report back to us.

Mayor Browning said he didn't understand why they automatically get 1.25 because that is what the majority of their neighbors are.

Councilman Louda said he had done a calculation once. He said he took the percentages of their border and what it touched.

Councilman Lipp said he would like to have that since he is on the Planning Commission.

Town Clerk Lippman said the goal is the County wants all the neighboring communities to know what is going on.

15. Public Comments

Mayor Browning read a comment card for **Michelle Haines-Colonial Bank** into the record. She wrote that Colonial Bank would like the opportunity to submit a proposal to the Town at a future date.

Jim Frogner, Lantana, FL- said he was a former resident of Loxahatchee Groves and had moved here in 1969. He said when he saw the Southern Boulevard design plans he decided to move east. He said he spoke about the lack of empathy for Agricultural users in the Groves. He mentioned Article 4 of the Codes that says pens and cages shall be set back 50 feet from the property line. He said he looked at the Ordinance for Code Enforcement that was passed in 2007 and didn't understand how this went through. He said nurseries feel that they aren't wanted here and the Town doesn't want them to live here and to continue their Agricultural businesses. He said he currently is representing 3 property owners in the Groves that are scheduled to go to the Special Magistrate and that there will be an attorney representing the property owners there along with him (a zoning consultant). He questioned if an Ordinance could be passes to correct these problems because they can't even get a permit for a fence until the Moratorium is up in November 2008. He asked if there was any relief business owners could get.

Town Clerk Lippman corrected Mr. Frogner and told him there was never an Ordinance, just a resolution.

Town Attorney Tolces advised that Mr. Frogner discuss the particular cases at the Special Magistrate Hearing on March 26, 2008. He said he could refer to the Florida Statue which states how an Ordinance is passed.

Mayor Bronwing said Mr. Frogner's comments were noted.

Maureen Lefkowitz, 3485 D Road- said she knows the Town had received emails from her husband concerning Aguirre's Ranch playing loud base. She said they had been working on this issue for over 3 years and is trying to get some resolution on this. She said there is a certain image of people moving to the Groves and not being able to enjoy their property. She said they are trying to work with who they have to work with.

Town Attorney Tolces said he would provide some comments in respect to this issue. He said that the Town has spent a considerable amount of time and money trying to address this issue. He said he had several discussions with Terry Lewis, the Lefkowitz's attorney. He said the proper course of action for the Lefkowitz's to take is to file an injunction from a Court of Law with their own time and money. He said it is his understanding the Town spent an extra \$500 and the Code Enforcement Officer worked on Saturday on this issue and did not find any violation. He said that Code Enforcement is a supplemental need in enforcing the Town's code. He said the Lefkowitz's should contact PBSO if they have a problem with noise. He said the Town cannot provide a permanent solution to their issues at this time. He said the Town cannot afford to have Code Enforcement available 24 hours a day, 7 days a week. He advised the Council about commenting on the matter due to the fact he had been advised the Town could be sued by the Lefkowitz's about this issue.

Town Attorney Tolces said Staff checked with PBSO and they don't have any recent contact records.

Ms. Lefkowitz said they haven't called recently because every time a Sheriff comes out they say there is nothing they can do. She said they don't want to spend the Town's money on this, but it is an invasion on their space. She said the people won't stop unless there is something financial to make them stop.

Larry Lefkowitz, 3485 D Road- said this past Saturday the music went from 1:20pm in the afternoon till about 1:45am the next day. He said it continued Sunday for another 4 hours. He invited his neighbors to come over and listen. He said there is a history here. He referred to the documentation he had sent Town Attorney Tolces and said there is a record of the calls to PBSO on there. He said the last time he called PBSO was 12/22/08 at 11:45pm and he felt like he was wasting his time. He said they have called PBSO between 15 and 20 times over the past 3 years. He asked for a letter to give to the Sheriff so the next time the Ranch was in violation they could give it to them. He said there is an Ordinance on the books that the Town has Code Enforcement. He asked why they have to spend their money and sue when there is Code Enforcement available and an Ordinance provided by the Town. He handed out documentation of the noise to the Council. He said the documenting is just a big waste of his time.

Mayor Browning said it is not a waste of time if it goes to court.

Councilman Louda asked Town Attorney Tolces what the noise Ordinance specifically states.

Town Attorney Tolces responded decibels and it depends on the time of day. He acknowledged that the Lefkowitz's have provided Staff with numerous documents that the sound is there and we can't offer a violation unless our Code Enforcement Officer is present. He said if the Town wants to employ a Code Enforcement Officer to work those hours at night when they are playing the music at its worst. He said if the Town does issue a citation the resident is still able to go to a Special Magistrate hearing where a fine would be issue and liens on the property might be ordered. He said he didn't think that was the permanent solution the Lefkowitz's were looking for. He repeated the most direct would be for them to seek an injunction against the property. He said he would rather not get into specifics of the Ordinance.

Councilman Lipp said we went through the best case scenario in which a citation would be issued but then it could take months to go to Special Magistrate. He reviewed the Code Enforcement process and said it could take several weeks or even months just to result in a \$250 fine.

Town Clerk Lippman said we put Ted Licitra on call and spent additional money this past weekend. He said that Aguirre's Ranch had been shut down by PBSO once for a rodeo and are now required to go through a special permit process through the County now to hold an event. He said anyone wanting to hold an event has to go before the Town Council to request permission and every resident is limited to 3 special events per year.

Bruce Pearson, 1162 Hyde Park Rd, Tropical World Nursery- said he thought this had something to do with SFWMD which cannot please him no matter what they do. He said he has a little farm in Mexico and trash was an issue. He suggested getting a few trash cans where the migrant workers congregate. He commented that it does seem the water levels have been kept up higher than last year and this is helping the nursery situation.

16. Town Clerk Comments

Town Clerk Lippman reminded everyone to participate in the Visioning. He said it is an exciting progress that he is looking forward to. He mentioned that at the meeting on April, 1, 2008 the Council would appoint a Mayor and Vice-Mayor. He said he wanted to thank the Council members for submitting their selection lists for the Visioning Meetings. He told Councilman Louda that Dr. Marlowe would get with him on Saturday to set up an interview. He mentioned that Assistant Town Clerk Kantor had received a few abusive calls at the Town Office recently.

17. Town Attorney Comments

Town Attorney Tolces referred to some proposed House Bills he had provided a memo to the Council on. He said if anyone had any concerns they could talk with the legislators. He said there is another Bill that states you can be penalized if you seek personal advice regarding your political involvement from the Town Attorney.

Town Attorney Tolces thanked Councilman Lipp for the name badges and said he looked forward to seeing everyone at the Visioning on Saturday.

18. Council Member Comments

Councilman Lip said the E Road/140th passed unanimously minus one at the Planning Commission and the next step is I am in the process of writing a letter to the editor on this but I wanted to remind everyone this is going to be a majority plus one vote on April 28, 2008 and I would ask Town Staff if our lobbyist can work on this for us.

Town Manager Dr. Rosenbaum said we have a meeting scheduled tomorrow to work on this.

Town Clerk Lippman said the meeting was scheduled for 3:30pm tomorrow and asked Councilman Lipp to call him before to give him some direction.

Councilman Autrey said he had made his comments earlier.

Vice-Mayor Herzog said that LUAB thanked us for attending the meeting and said that Royal Palm Beach had only one representative there so our show of unity at SFWMD was strong. She said this shows our voice is finally being heard and that she is looking forward to the Visioning Process.

Councilman Louda asked if the stakeholders participate in the kick-off meeting.

Town Clerk Lippman said he would contact each person selected and let them know when and where they need to be. He said out of the random pool we will be selecting 15 participants and to please let the other 85 know that we still want them to be active in the planning and they can participate in the Public Sessions.

Councilman Louda mentioned he would like to see Noise come up during the Visioning. He also asked if the Town had any representatives attending the Mining Meeting tomorrow.

Town Clerk Lippman said that the Resolution the Town had passed had been previously transmitted to the proper people. He asked Councilman Louda to email him who he wanted to send the Resolution to so he could resend it in the morning and it would be fresh in their minds

Mayor Browning congratulated Clete and the LGWCD Board and the Town Council on working together with SFWMD on the Variance Request. He also mentioned the Council had been invited to an International Conference about Environmental Trash Recycling taking place in Costa Rica. He said he is looking forward to the Visioning.

19. Adjournment

Councilman Lipp MOTIONED to adjourn meeting, SECONDED by Vice-Mayor Herzog and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:30 p.m.

Dave Browning
MAYOR DAVE BROWNING

ATTEST:

Matthew Lippman
Matthew Lippman, Town Clerk

5-6-08
Date Approved

STATE OF FLORIDA
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:
Minutes
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 6th day of May A.D. 2008

TOWN OF Joyatchee Cove
BY: Matthew Lippman